

REMARKS

Claims 1-6, 8-11, and 23-28 are pending in this application.

Applicants have amended claims 1, 6, 10, and 23-28, and have canceled claims 7, 12-22, and 29. The changes to the claims made herein do not introduce any new matter.

Cancellation of Non-Elected Claims

In light of their election of Species A (claims 1-6, 8-11, and 23-29) for prosecution on the merits, Applicants have canceled claims 7 and 12-22. Applicants reserve the right to pursue claims directed toward the subject matter defined in non-elected claims 7 and 12-22 in a divisional application.

Claim Objection

In response to the objection to claim 10 on the basis of informalities, Applicants have amended this claim to recite that “the moving picture data extraction step includes the step of *extracting* the frame group.” Accordingly, Applicants request that the objection to claim 10 be withdrawn.

Rejection Under 35 U.S.C. § 101

Applicants respectfully request reconsideration of the rejection of claims 1-6, 8-11, and 23-29 under 35 U.S.C. § 101 as being directed toward nonstatutory subject matter (as noted above, claim 29 has been canceled). Applicants have amended independent claim 1 so that the method defined therein is tied to a particular apparatus, i.e., a programmed computer. Applicants have amended independent claim 25 to specify that the moving picture data processing apparatus includes a processor, volatile storage, and persistent storage. Applicants have amended independent claims 27 and 28 so that each of these claims defines a computer program product comprising a non-transitory computer-readable medium and computer program stored in the non-transitory computer-readable medium. With regard to independent claim 26, Applicants note the printing apparatus defined in this claim includes, among other

features, a printing unit. In view of the foregoing, each of present independent claims 1 and 25-28 defines statutory subject matter under 35 U.S.C. § 101.

Accordingly, Applicants respectfully request that the rejection of claims 1-6, 8-11, and 23-28 be withdrawn.

Rejection Under 35 U.S.C. § 102

Applicants respectfully request reconsideration of the rejection of claims 1-6, 8-10, and 23-29 under 35 U.S.C. § 102(b) as being anticipated by *Ikeda et al.* (“*Ikeda*”) (US 6,704,029 B1) (as noted above, claim 29 has been canceled).

In support of the anticipation rejection of independent claim 1, the Examiner alleges that Figure 6 (element S13) of *Ikeda* discloses the claimed moving picture data extraction step (see the Office Action at page 4, line 21 (the second line from the bottom) to page 5, line 2). Applicants respectfully traverse the Examiner’s characterization of the *Ikeda* reference relative to the claimed subject matter.

At step S13 shown in Figure 6, *Ikeda* extracts a key frame (i.e., a still picture) that is individually set for each important scene at step S11 to extract the feature of the key frame (see *Ikeda* at column 6, lines 27-33). A “key frame” is defined as the frame that best expresses the scene (see *Ikeda* at column 6, lines 6-10 and Figure 10). As such, *Ikeda* does not extract moving picture data as specified in present claim 1.

Thus, for at least the foregoing reason, the *Ikeda* reference does not disclose each and every feature of the method defined in present claim 1.

Independent claim 25 defines a moving picture data processing apparatus that includes, among other features, “a moving picture data extractor that extracts moving picture data including a plurality of frame picture data that meet a specific condition, based on the first picture evaluation values.” Independent claim 26, as amended herein, defines a printing apparatus that includes, among other features, “a moving picture data extractor that extracts a

plurality of frame picture data based on the first picture evaluation values, wherein the plurality of frame picture data shows a moving picture for a period of time and meets a specific condition.” As discussed above in connection with claim 1, *Ikeda* does not extract moving picture data. As such, *Ikeda* does not disclose “a moving picture data extractor” as specified in either of present claims 25 and 26.

Thus, for at least the foregoing reasons, the *Ikeda* reference does not disclose each and every feature of present claims 25 and 26.

Independent claim 27, as amended herein, defines a computer program product that corresponds to the method defined in present claim 1 (and the functionality of the apparatus defined in present claim 25). Independent claim 28, as amended herein, defines a computer program product that corresponds to the functionality of the apparatus defined in present claim 26. As such, the patentability arguments set forth above with regard to present claims 1 and 26 also apply to present claims 27 and 28, respectively.

Accordingly, independent claims 1 and 25-28, as amended herein, are patentable under 35 U.S.C. § 102(b) over *Ikeda*. Claims 2-6, 8-10, 23, and 24, each of which ultimately depends from claim 1, are likewise patentable under 35 U.S.C. § 102(b) over *Ikeda* for at least the same reasons set forth above with regard to claim 1.

Further, with regard to claim 2, Applicants respectfully traverse the Examiner’s characterization of *Ikeda* as disclosing the step of extracting at least one frame group as specified in this claim (see the Office Action at page 5, lines 4-8). In support of the anticipation rejection of claim 2, the Examiner cites column 3, line 56 to column 4, line 3 of *Ikeda* (Applicants have interpreted the citation of “column 3, line 3” at page 5, lines 7-8, of the Office Action as being a typographical error that should instead read as “column 4, line 3”). In the portion of the reference cited by the Examiner, *Ikeda* designates predetermined frames such as the start and end frames, and extracts a label sequence, which is obtained by

converting feature amounts of a plurality of blocks obtained by segmenting a frame image into labels, and arranging them (see *Ikeda* at column 4, lines 4-7). As such, *Ikeda* does not disclose the step of extracting at least one frame group as specified in claim 2.

Rejection Under 35 U.S.C. § 103

Applicants respectfully request reconsideration of the rejection of claim 11 under 35 U.S.C. § 103(a) as being unpatentable over *Ikeda*. Claim 11 ultimately depends from claim present claim 1. Thus, claim 11 is patentable under 35 U.S.C. § 103(a) over *Ikeda* for at least the reason that this claim ultimately depends from present claim 1.

Further, Applicants respectfully traverse the Examiner's characterization of the *Ikeda* reference relative to the subject matter defined in claim 11. In support of the obviousness rejection, the Examiner alleges that *Ikeda* teaches a moving picture search with the use of pattern matching, and concludes that it would have been obvious to use motion vectors based on the moving picture information (see the Office Action at page 8, lines 12-16).

In step 1201 shown in Figure 12 of the *Ikeda* reference, what is carried out is not the pattern matching of frame images, but rather the pattern matching of label sequences, which are obtained by converting feature amounts of a plurality of blocks obtained by segmenting a frame image into labels, and arranging them (see *Ikeda* at column 9, lines 37-45). Thus, Applicants respectfully submit that it would not have been obvious to use a motion vector calculated by comparing frames of picture data, based on such pattern matching, as specified in claim 11.

Conclusion

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of claims 1-6, 8-11, and 23-28, as amended herein, and submit that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this

Application No. 10/578,696
Amendment dated January 14, 2011
Response to Office Action mailed October 14, 2010

application, the Examiner may reach the undersigned at **(408) 749-6902**. If any additional fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP185).

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, L.L.P.

/Peter B. Martine/

Peter B. Martine
Reg. No. 32,043

710 Lakeway Drive, Suite 200
Sunnyvale, California 94085
Customer Number 25920